



#### ADMINISTRATIVE OFFICES

1038 CITY HALL  
65 NIAGARA SQUARE  
BUFFALO, NY 14202-3378  
PHONE: (716) 851-4664  
FAX: (716) 856-5810

#### WASTEWATER TREATMENT PLANT

FOOT OF WEST FERRY  
90 WEST FERRY STREET  
BUFFALO, NY 14213-1799  
PHONE: (716) 851-4664  
FAX: (716) 883-3789

Mr. Douglas McKenna, Chief  
Water Compliance Branch  
Division of Enforcement and Compliance Assistance  
United States Environmental Protection Agency, Region 2  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866

Joseph DiMura, P.E.  
Director, Bureau of Water Compliance Programs  
Division of Water  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-3506

Jeffrey Konsella, P.E.  
Region Water Engineer  
New York State Department of Environmental Conservation  
Region 9  
270 Michigan Avenue  
Buffalo, New York 14203-2915



#### **VIA US Postal Service Certified Mail, Return Receipt**

June 19, 2015

Re: Buffalo Sewer Authority  
Amended Administrative Order  
Docket No.: CWA-02-2014-3033  
NPDES Tracking No. NY0028410

Gentlemen:

Thank you for your June 1, 2015 response to the Buffalo Sewer Authority (BSA)'s March 18, 2015 Post Construction Monitoring (PCM) Plan submission. Below are BSA's responses to the questions raised in your June 1 letter. We feel that these responses should suffice at this time, such that a meeting is not necessary. However, please let us know if you disagree and we can schedule a meeting or conference call to resolve any continuing concerns.

### **Agency Comment 1 - Sections 3.2 and 3.3**

*Section 3.3 states that system-wide CSS model recalibration will be done at years 5-7 (2018-2020) and years 19-20 (2033-2034), and will be done "to track progress toward overall compliance with the LTCP performance criteria and support ongoing LTCP design projects". It has been about six years since the last recalibrations and enough CSO control projects have been completed in that time to warrant recalibration before 2018-2020. Completed CSO controls include: all of the phase 1 projects, phase 1 of GI control, and two of the real time control projects. As in the past, the validation should use an agreed upon validation assessment criteria including qualitative and quantitative comparisons.*

*Section 3.2 states that "in support of BSA's SPDES CSO BMP Annual Report, the most recent version of the CSS model will be run to predict the system's CSO activations and compare then to the LCTPLOCs listed in Table 3. This effort will confirm that BSA is progressing toward meeting the required typical year performance criteria." As proposed in the PCMP, the annual CSO activation reporting between now and year 7 would be generated using the unvalidated model. However, without recalibration/validation, the model outputs for the first 5-7 years may not provide an accurate measure of whether BSA is making progress in the level of control. The PCMP must be revised to perform validation of the model as soon as possible - so that it is completed no later than 2 years from PCMP approval. By performing this work in the near term instead of later in 2018-2020, BSA and the agencies will both have greater confidence in the progress measures reflected in the model outputs.*

#### **BSA Response:**

While our current approved collection system model has been properly calibrated and validated, we are willing to accelerate the recalibration update process. Accordingly, the BSA will submit a Collection System Model Refinement/Update Workplan to the United States Environmental Protection Agency (EPA) and New York State Department of Environmental Conservation (NYSDEC) by December 31, 2015. Similar to the 2008 refinement, the BSA anticipates that the entire model recalibration process will take up to three (3) years inclusive of model conversion, flow and precipitation monitoring, hydraulic model updates, validation, and calibration.

Under optimal conditions, including prompt agency approval of the Collection System Model Refinement Workplan, this would result in a refined collection system model by the end of 2018 instead of 2020 as originally proposed in the PCM Plan. This update will closely follow and incorporate the completion of Phase 1 projects, Phase 1 green projects and early RTC implementation projects.

### **Agency Comment 2 - Section 3.4**

*This section states that upon completing all planned work (grey and green) in a given basin, BSA may elect to complete activation verification using the CSS model in that basin at that time, rather than waiting until the end of the LTCP implementation period. In the interest of verifying the effectiveness of CSO controls sooner rather than later, BSA must do at least*

*one basin-wide verification as soon as possible. BSA must submit information to the agencies regarding which basins would be good candidates for early verification and when the verification could proceed.*

**BSA Response:**

There is no legal requirement that BSA "must do at least one basin-wide verification as soon as possible," Nevertheless, BSA is willing to explore a verification procedure for one or more CSO Basins where planned work has been completed as part of the model refinement process.

**Agency Comment 3**

*Permanent flow meters are required at selected CSO locations to provide an independent means to verify model predictions. The permanent locations can supplement flow monitoring performed as part of the model calibration/validation and provide an ongoing means of gauging the performance of the sewer system. The PCMP must be revised to provide a description of the permanent flow monitoring program, including monitoring locations, maintenance, data collection, and reporting.*

**BSA Response:**

As part of the BSA's model refinement process, in system flow and precipitation monitoring will be performed at various locations within the system to aid in model calibration. Further as necessary for post construction monitoring and to enhance project design selective flow monitoring will also be completed throughout the LTCP term. Once our model is validated, ongoing flow metering is not necessary. Accordingly, no permanent flow monitoring at fixed locations is anticipated at this time. We disagree that permanent flow monitoring is legally required of our PCMP.

**Agency Comment 4**

*The agencies also encourage BSA to utilize its recalibrated/validated model to implement a computer-based public notification program whereby the public can receive information in real time on the occurrence of CSO discharges and the impacts on receiving waters throughout BSA's combined service area. Such a system is currently being implemented in New York City and the agencies believe a similar system would benefit public awareness in the Buffalo area.*

**BSA Response:**

Thank you for this suggestion. We note it is not relevant to the PCMP at issue. BSA is aware of, and is carefully monitoring, NYSDEC's ongoing Sewage Pollution Right-to-Know regulatory process. BSA will comply with the final regulations. Accordingly, this issue should be deferred until after adoption of those regulations.

We look forward to working with you during the proposed model refinement process and look forward to the Agencies' approval of our PCMP consistent with the clarifications and supplemental commitments in this response.

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Very truly yours,

BUFFALO SEWER AUTHORITY



David P. Comerford  
General Manager

cc: Paul Calamita, Esq., AquaLaw  
Charles C. Martorana, Esq. Barclay Damon, LLP  
Michael Quinn, P.E., GHD, Inc.